

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JOSHUA C. LOWRY, ANTHONY
LAW, RAYMAR MCKENZIE,
JAMES SMITH and MICHAEL
CHAMPION,**

Plaintiffs,

v.

**DENA BROWN TRINITY GROUP
SERVICE STAFF, BENJAMIN
O'LEARY TRINITY GROUP SERVICE
STAFF, CORITHIAN FOODS FOOD
DISTRIBUTOR FOR TRINITY GROUP
SERVICE, JENNIFER PASSERELLI
DEPUTY WARDEN, DAVID WINTERS
CAPTAIN, SCOTT (UNKNOWN)
TRINITY GROUP SERVICE STAFF,
JANICE (UNKNOWN) TRINITY
GROUP SERVICE STAFF,**

Defendants.

2:22cv991

Electronic Filing

MEMORANDUM ORDER

The Complaint in the above captioned case was filed on July 6, 2022, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 71) filed on August 25, 2023, recommended that the Amended Complaint be dismissed as to Plaintiffs Joshua C. Lowry, Raymar McKenzie, James Smith, and Michael Champion for failure to prosecute. On August 29, 2023, Magistrate Judge Kelly withdrew the Report and Recommendation as to Plaintiff Joshua C. Lowry after he submitted a response to the pending motion to dismiss filed by defendants Jennifer Passerelli and David Winters. See Doc. No.s 73 & 74. The parties were informed that objections to the Report and Recommendation were due by September 8, 2023.

No objections have been filed by Plaintiffs Raymar McKenzie, James Smith, and Michael Champion.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 23rd day of October, 2023,

IT ORDERED that the Amended Complaint is dismissed as to all claims brought by Plaintiffs Raymar McKenzie, James Smith, and Michael Champion. The [71] Report and Recommendation of Magistrate Judge Kelly dated August 25, 2023, is adopted as the opinion of the Court.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Joshua C. Lowry
07759-509
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Michael Champion
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Daniel M. Vugrinovich, Esquire

(Via CM/ECF Electronic Mail)

